

Regular Session, 2013

HOUSE BILL NO. 516

BY REPRESENTATIVE LEGER

CONVENTION FACILITIES: Provides with respect to the Ernest N. Morial New Orleans  
Exhibition Hall Authority

1 AN ACT

2 To amend and reenact Sections 4 (introductory paragraph), 4D, 4G, 4M, 20A, and 23 and  
3 to enact Section 20F of Act No. 305 of the 1978 Regular Session of the Legislature,  
4 as amended by Act No. 657 of the 1979 Regular Session of the Legislature, Act No.  
5 99 of the 1980 Regular Session of the Legislature, Act No. 9 of the 1980 Second  
6 Extraordinary Session of the Legislature, Act No. 287 of the 1982 Regular Session  
7 of the Legislature, Act No. 572 of the 1984 Regular Session of the Legislature, Act  
8 No. 390 of the 1987 Regular Session of the Legislature, Act No. 43 of the 1992  
9 Regular Session of the Legislature, Act No. 1013 of the 1993 Regular Session of the  
10 Legislature, Act Nos. 13 and 42 of the 1994 Regular Session of the Legislature, Act  
11 Nos. 1174 and 1176 of the 1997 Regular Session of the Legislature, and Act No. 72  
12 of the 2002 First Extraordinary Session of the Legislature, all relative to the Ernest  
13 N. Morial-New Orleans Exhibition Hall Authority, to grant additional powers to the  
14 authority, to provide for the issuance of bonds and other obligations of the authority  
15 to finance expansion projects; to provide for additional bonding capacity of the  
16 authority; to provide an effective date; and to provide for related matters.

17 Notice of intention to introduce this Act has been published  
18 as provided by Article III, Section 13 of the Constitution of  
19 Louisiana.

20 Be it enacted by the Legislature of Louisiana:

Section 1. Sections 4 (introductory paragraph), 4D, 4G, and 4M of Act No. 305 of the 1978 Regular Session of the Legislature, as amended by Act No. 657 of the 1979 Regular Session of the Legislature, Act No. 99 of the 1980 Regular Session of the Legislature, Act No. 9 of the 1980 Second Extraordinary Session of the Legislature, Act No. 287 of the 1982 Regular Session of the Legislature, Act No. 572 of the 1984 Regular Session of the Legislature, Act No. 390 of the 1987 Regular Session of the Legislature, Act No. 43 of the 1992 Regular Session of the Legislature, Act No. 1013 of the 1993 Regular Session of the Legislature, Act Nos. 13 and 42 of the 1994 Regular Session of the Legislature, Act Nos. 1174 and 1176 of the 1997 Regular Session of the Legislature, and Act No. 72 of the 2002 First Extraordinary Session of the Legislature are hereby amended and reenacted to read as follows:

Section 4. As used hereinafter in this Act, the word "project" or "projects" shall mean any one or more of any combination of convention, exhibition, and tourist facilities, ~~other than lodging facilities~~, and the necessary site improvements, infrastructure, furnishings, machinery, equipment, and appurtenances therefor. The purpose for which the Authority is created is to acquire, construct, reconstruct, extend, improve, maintain, and operate projects within the city of New Orleans, subject to the zoning and other applicable ordinances of the city of New Orleans, except as to the Poydras Street Wharf and other properties under the administration of the Board of Commissioners of the Port of New Orleans, in order to promote the economic growth and development of the city and its neighboring parishes. The Authority shall have all the powers and authority necessary or convenient to carry out the purposes of this Act including but not limited to the following powers and authority:

\* \* \*

D. To enter into contracts with any person, firm, or corporation, public or private, including the state of Louisiana or any department, agency, or political subdivision thereof, on such terms and conditions as the board may determine, with respect to the acquisition, construction, reconstruction, extension, improvement,

1 maintenance, or operation of projects or the furnishing or distribution of the services,  
2 facilities, or commodities thereof, including but not limited to the leasing or  
3 subleasing for allied services such as hotels, restaurants, retail outlets, offices,  
4 parking, entertainment, and similar activities. Any lease or sublease of the authority,  
5 or both, to an exhibition or convention user, or both, including any assignments  
6 thereof, any lease or sublease or extensions or renewals thereof, including any  
7 assignments thereof, for allied services such as restaurants, retail outlets, offices, and  
8 entertainment, shall be exempt from the provisions of R.S. 38:2211 et seq. and any  
9 other provision of law with respect to the purchase or lease of property by public  
10 entities; all other contracts, leases or subleases, or both, including any assignment  
11 thereof, shall be entered into in accordance with the provisions of R.S. 38:2211.

12 \* \* \*

13 G. To incur debt and issue bonds or other obligations for the purpose of the  
14 Authority in the manner hereinafter provided. ~~The Authority is hereby specifically~~  
15 ~~prohibited from utilizing nontraditional tax free bonds from any source whatsoever~~  
16 ~~when such use would benefit any properties being developed by a private person,~~  
17 ~~firm, or corporation.~~

18 \* \* \*

19 M. Except as limited by the terms and conditions of that certain lease  
20 covering and affecting the Poydras Street Wharf, to lease or sublease to or from any  
21 person, firm, or corporation, public or private, all or any part of any project upon  
22 such terms and conditions and for such term of years not in excess of sixty years, as  
23 the board may deem advisable to carry out the provisions of this Act, and to provide,  
24 if deemed advisable by the board, for an option to purchase or otherwise lawfully  
25 acquire such project upon the terms and conditions therein specified. Any lease or  
26 sublease, or both, of the authority to an exhibition or convention user, or both,  
27 including any assignments thereof, any lease or sublease or extension or renewal  
28 thereof, including any assignments thereof, for allied services such as hotels,  
29 restaurants, retail outlets, offices and entertainment, shall be exempt from the

1 provisions of R.S. 38:2211 et seq., and any other provision of law with respect to the  
2 purchase or lease of property by public entities; all other contracts, leases or  
3 subleases, or both, of the authority, including any assignment thereof, shall be  
4 entered into in accordance with the provisions of R.S. 38:2211.

5 \* \* \*

6 Section 2. Section 20A of Act No. 305 of the 1978 Regular Session of the  
7 Legislature, as amended by Act No. 657 of the 1979 Regular Session of the Legislature, Act  
8 No. 99 of the 1980 Regular Session of the Legislature, Act No. 9 of the 1980 Second  
9 Extraordinary Session of the Legislature, Act No. 287 of the 1982 Regular Session of the  
10 Legislature, Act No. 572 of the 1984 Regular Session of the Legislature, Act No. 390 of the  
11 1987 Regular Session of the Legislature, Act No. 43 of the 1992 Regular Session of the  
12 Legislature, Act No. 1013 of the 1993 Regular Session of the Legislature, Act Nos. 13 and  
13 42 of the 1994 Regular Session of the Legislature, Act Nos. 1174 and 1176 of the 1997  
14 Regular Session of the Legislature, and Act No. 72 of the 2002 First Extraordinary Session  
15 of the Legislature are hereby amended and reenacted to read as follows:

16 Section 20.A. As used herein, "expansion project" shall mean a project or  
17 projects for the acquisition, construction, installation, and equipping of additions or  
18 improvements to the Ernest N. Morial Convention Center-New Orleans  
19 ("Convention Center"), including, but not by way of limitation, (i) the Phase III  
20 Convention Center Expansion Project consisting of a building attached to the  
21 Convention Center containing additional exhibit space, meeting rooms, ballroom  
22 space, a food court, exhibit hall concession stands, food production facilities, and  
23 other structures and facilities functionally related to the Convention Center and  
24 completed in April of 1999, and (ii) the Phase IV Convention Center Expansion  
25 Project and, (iii) the Phase V Convention Center Expansion Project. The term  
26 "Phase IV Convention Center Expansion Project" shall mean the project to construct  
27 a free-standing building across Henderson Street from the existing Convention  
28 Center, on a site owned by the authority, containing approximately 1,500,000 square  
29 feet under roof including approximately 500,000 square feet of exhibit space, with

1 accompanying meeting rooms, food service areas, building service areas and other  
2 facilities functionally related thereto. It will be connected to Phase III by a pedestrian  
3 bridge above Henderson; The term "Phase V Convention Center Expansion Project"  
4 shall mean a public/private project for the Convention Center to advance a tourism  
5 development plan (including enhancements to the facility and installation of basic  
6 infrastructure to facilitate private development on acreage owned by the Exhibition  
7 Hall Authority) the public component of which will be developed and funded in four  
8 stages. The four stages shall be developed and funded in the order and according to  
9 the priorities as determined by the authority.

10 Stage One to provide infrastructure including but not limited to: (i) Making  
11 public infrastructure improvements on Convention Center Boulevard, from Poydras  
12 Street to Orange Street, including utility improvements, redevelopment of north and  
13 south bound traffic lanes, and the incorporation of a landscaped linear park and  
14 pedestrian mall; (ii) The development of public infrastructure in the area generally  
15 bounded by Henderson Street, Tchoupitoulas Street, Orange Street, and the  
16 Mississippi River flood wall to include the extension of Convention Center  
17 Boulevard from Henderson Street to Orange Street (including traffic circle at  
18 Henderson intersection) public utility infrastructure to support anticipated private  
19 development, and six acres of soil remediation; and (iii) The relocation of existing  
20 power lines along Convention Center Boulevard and the incorporation of a "people  
21 mover" system along Convention Center Boulevard, from Poydras Street to Orange  
22 Street.

23 Stage Two to make improvements at or on the riverfront to provide:  
24 (i) Development of a riverfront festival park along the Mississippi River at existing  
25 wharfs, providing access to the river through the development of approximately five  
26 acres for recreational, hospitality, commercial, and residential use; and  
27 (ii) Development of Riverfront Festival Park infrastructure, including public utilities,  
28 lighting, and landscaping.

Stage Three to further integrate the Convention Center with its surrounding urban areas through the: (i) Renovation of the south end of the existing Convention Center in order to create a new south entrance in response to adjacent development; (ii) Incorporation of a new kitchen and restaurant facility at the south end of the Convention Center; (iii) Development of an executive conference center to be integrated as part of a new, privately developed hotel; and (iv) Relocation of existing Convention Center functions currently at the south end of the facility in order to accommodate new entrance and connection to executive conference center/hotel.

10                   Stage Four to provide for the demolition of the buildings known as the World  
11                   Trade Center in the city of New Orleans and the site preparation related thereto to  
12                   facilitate the creation and development of a riverfront festival park.

13 \* \* \*

14           Section 3.   Section 20F of Act No. 305 of the 1978 Regular Session of the  
15   Legislature, as amended by Act No. 657 of the 1979 Regular Session of the Legislature, Act  
16   No. 99 of the 1980 Regular Session of the Legislature, Act No. 9 of the 1980 Second  
17   Extraordinary Session of the Legislature, Act No. 287 of the 1982 Regular Session of the  
18   Legislature, Act No. 572 of the 1984 Regular Session of the Legislature, Act No. 390 of the  
19   1987 Regular Session of the Legislature, Act No. 43 of the 1992 Regular Session of the  
20   Legislature, Act No. 1013 of the 1993 Regular Session of the Legislature, Act Nos. 13 and  
21   42 of the 1994 Regular Session of the Legislature, Act Nos. 1174 and 1176 of the 1997  
22   Regular Session of the Legislature, and Act No. 72 of the 2002 First Extraordinary Session  
23   of the Legislature are hereby enacted to read as follows:

24 Section 20.

25 \* \* \*

26 F. Without reference to any other provision of the Constitution or of laws of  
27 Louisiana, including the Act, the authority is authorized from time to time, with the  
28 approval of the State Bond Commission, to issue its negotiable bonds in one or more  
29 series for the purpose of providing funds to finance the Phase V Convention Center

1        Expansion Project of the Ernest N. Morial Convention Center in accordance with the  
2        provisions of Section 21 hereof; said bonds to be payable from all revenues derived  
3        by the authority as more particularly set forth in the resolution or resolutions  
4        providing for their issuance.

5        Section 4. Section 23 of Act No. 305 of the 1978 Regular Session of the Legislature,  
6        as amended by Act No. 657 of the 1979 Regular Session of the Legislature, Act No. 99 of  
7        the 1980 Regular Session of the Legislature, Act No. 9 of the 1980 Second Extraordinary  
8        Session of the Legislature, Act No. 287 of the 1982 Regular Session of the Legislature, Act  
9        No. 572 of the 1984 Regular Session of the Legislature, Act No. 390 of the 1987 Regular  
10       Session of the Legislature, Act No. 43 of the 1992 Regular Session of the Legislature, Act  
11       No. 1013 of the 1993 Regular Session of the Legislature, Act Nos. 13 and 42 of the 1994  
12       Regular Session of the Legislature, Act Nos. 1174 and 1176 of the 1997 Regular Session of  
13       the Legislature, and Act No. 72 of the 2002 First Extraordinary Session of the Legislature  
14       are hereby amended and reenacted to read as follows:

15                Section 23. In each fiscal year, after payment of all obligations of the  
16        authority secured by or payable from all or any part of the taxes levied pursuant to  
17        Sections 18 and 19 hereof, the authority shall deposit the balance of such taxes into  
18        a special escrow fund to be used solely to retire said obligations in advance of their  
19        maturities at a price or prices not greater than the applicable redemption price;  
20        provided, however, the provisions of this Section shall be applicable only to  
21        outstanding obligations of the authority issued or incurred prior to the effective date  
22        of this amendment to this Section and shall not be applicable with respect to any  
23        bonds or other obligations issued or incurred thereafter to pay any costs of the Phase  
24        III Expansion Project, ~~or the Phase IV Expansion Project, or the Phase V Convention~~  
25        Center Expansion Project.

26        Section 5. The legislature hereby specifically declares that this Act in no way and  
27        to no extent is intended to nor shall it be construed in any manner which will impair  
28        outstanding bonded debt obligations of the authority.

1           Section 6. To the extent that the provisions of this Act are inconsistent with any  
2 provision of general statute or any special act, or any part thereof, the provisions of this Act  
3 shall be deemed controlling.

4           Section 7. This Act shall become effective upon signature by the governor or, if not  
5 signed by the governor, upon expiration of the time for bills to become law without signature  
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
8 effective on the day following such approval.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Leger

HB No. 516

**Abstract:** Expands the authority of the Ernest N. Morial-New Orleans Exhibition Hall Authority, including authorization of a Phase V expansion project.

Present law (uncodified) creates the Ernest N. Morial-New Orleans Exhibition Hall Authority ("authority"). The purpose of the authority is to acquire, construct, reconstruct, extend, improve, maintain, and operate projects within the city of New Orleans in order to promote the economic growth and development of the city and its neighboring parishes. Proposed law retains present law.

Present law defines "project" as any convention, exhibition, or tourist facility, other than lodging facilities, and the necessary furnishings, machinery, equipment, and items incidental thereto. Proposed law specifically removes the limitation relative to lodging facilities and allows for site improvements and infrastructure relative to the authorized projects.

Present law authorizes the authority to enter into contracts to acquire, construct, reconstruct, extend, improve, maintain, or operate projects relative to restaurants, retail outlets, offices, parking, entertainment, and similar activities. Proposed law further authorizes the authority to enter into such contracts relative to hotels.

Present law exempts the authority from state law on the letting of public contracts for the making of any public works or for the purchase of any materials or supplies as it relates to any lease or sublease for allied services such as restaurants, retail outlets, offices, and entertainment. Proposed law further extends such exemption to hotel services.

Present law authorizes the authority to incur debt and issue bonds. Proposed law retains this authorization. However, present law specifically precludes the authority from utilizing nontraditional tax-free bonds from any source when such use would benefit any properties being developed by a private person, firm, or corporation; proposed law eliminates this prohibition.

Present law authorizes "expansion projects" including Phase III and IV. Proposed law authorizes Phase V which will allow a joint venture between the authority and a private entity for a tourism development plan to enhance the Convention Center and install basic



infrastructure to facilitate private development on property owned by the Exhibition Hall Authority, the public component of which is divided into the following four stages:

- (1) Public infrastructure improvements on Convention Center Blvd., from Poydras St. to Orange St., including utility improvements, redevelopment of traffic lanes, and a linear park and pedestrian mall; public infrastructure improvements by Henderson St., Tchoupitoulas St., Orange St., and the Mississippi River flood wall to extend Convention Center Blvd. from Henderson St. to Orange St., including a traffic circle, public utility infrastructure to support anticipated private development, and soil remediation; and the relocation of existing power lines along Convention Center Blvd. and the incorporation of a "people mover" system along Convention Center Blvd., from Poydras St. to Orange St.
- (2) Development of a riverfront festival park along the Mississippi River at existing wharfs, providing access to the river through the development of approximately five acres for recreational, hospitality, commercial, and residential use; and development of Riverfront Festival Park infrastructure, including public utilities, lighting, and landscaping.
- (3) Integration of the Convention Center with its surrounding urban areas through the renovation of the south end of the existing Convention Center by creating a new south entrance; incorporation of a new kitchen and restaurant facility at the south end of the Convention Center; development of an executive conference center to be integrated as part of a new, privately developed hotel; and relocation of existing Convention Center functions currently at the south end of the facility to accommodate a new entrance and connection to the combined executive conference center and hotel.
- (4) Demolition of the New Orleans World Trade Center buildings and site preparation to facilitate the creation and development of a riverfront festival park.

Proposed law provides that without reference to any other provision of the Constitution or of laws of Louisiana, the authority is authorized from time to time, with the approval of the State Bond Commission, to issue its negotiable bonds in one or more series for the purpose of providing funds to finance Phase V, in accordance with present law; said bonds to be payable from all revenues derived by the authority as more particularly set forth in the resolution providing for their issuance.

Proposed law further provides that the Act does not nor is it intended to impair outstanding bonded debt obligations of the authority, and to any extent that any provision of the Act is inconsistent with other laws, the Act prevails.

Effective upon signature of governor or lapse of time for gubernatorial veto.

(Amends Sections 4(intro. para.), 4D, 4G, 4M, 20A, and 23 of Act No. 305 of the 1978 R.S., as amended; Adds Section 20F of Act No. 305 of the 1978 R.S., as amended)